

# Information Sharing

## Policy Statement

The nursery recognises that parents have a right to know that information they share with the nursery will be regarded as confidential. Parents will be informed about the circumstances, and reasons, when the nursery is obliged to share information.

We record and share information about children and their families in line with the six principles of the General Data Protection Requirement (GDPR) (2018) which are explained in the nurseries Data Protection Policy.

We are obliged to share confidential information without authorisation from the person who provided it or to whom it relates if it is in the public interest when:

- it is to prevent a crime from being committed or intervene where one may have been, or to prevent harm to a child or adult; or
- not sharing it could be worse than the outcome of having shared it.

The decision will not be made as an individual, but with the support and guidance of the nursery management team, RUSUs Data Protection Manager (IT Support Coordinator) or Local Education Authority (LEA) advisors without disclosing confidential information.

Critical criteria for disclosing information is:

- Where there is evidence that a child is suffering, or is at risk of suffering, from significant harm.
- Where there is reasonable cause to believe that a child may be suffering, or at risk of suffering, significant harm.
- To prevent significant harm arising to children and young people or serious harm to adults, including the prevention, detection and prosecution of serious crime.

## Procedures

Our procedure is based on the GDPR principles and the 7 golden rules for information sharing as set out in *Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)*.

1. *Remember that the GDPR and human rights law are not a barrier to justified information sharing as per the Children Act 1989, but provides a framework to ensure that personal information about living persons is shared appropriately.*

- Our policy and procedures on information sharing provides guidance to appropriate sharing of information with external agencies.
2. *Be open and honest with the individual (and/or their family where appropriate) from the onset about why, what, how and with whom information will or could be shared, and seek their consent, unless it is unsafe or if there is a legal obligation to do so.*

We ensure parents are:

- Inform about our Information Sharing policy and Data Protection policy when their child starts in the nursery and sign their contract and Child's Personal Details pack in acceptance of this policy.
  - have information about our Safeguarding Children and Child Protection policy; and
  - have information about the circumstances when information will be shared with external agencies, for example, with regard to any special needs the child may have or transition to school.
3. *Seek advice from other practitioners if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.*
    - Practitioners discuss concerns about a child routinely and actions are documented in the child's file.
    - Our Child Protection Policy sets out the duty of all practitioners to refer concerns to the Lead Safeguarding Practitioner (LSP) who will contact Social Care for advice where they have doubts or are unsure.
    - We seek advice if we need to share information without consent to disclose.
  4. *Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is a good reason to do so, such as where safety may be at risk. Judgement will be based of the facts of the case. When you are sharing or requesting information from someone, be certain of the basis upon which you are doing so.*
    - We base the decision to share information without consent on judgments about the facts of the case and whether there is a legal obligation.
    - Our guidelines for consent are part of this procedure.

5. *Consider the safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the individual and others that may be affected by their actions.*

The nursery will:

- record concerns and discuss these with the Lead Safeguarding Practitioner (LSP).
- Record decisions made and the reasons why information will be shared and to whom; and
- Follow the procedure for reporting concerns as set out in our Child Protection policy.

6. *Necessary, proportionate, relevant, adequate, accurate, timely and secure: Ensure the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.*

- Our Child Protection policy and Data Protection policy set out how and where information should be recorded and what information should be shared with another agency when making a referral.

7. *Reasons for decisions to share information, or not, are recorded. If you have decided to share then record what you have shared, with whom and for what purpose.*

## **Consent**

When parents choose our nursery for their child, they will share information about themselves and their families. This information is regarded as confidential. Parents have a right to be informed that their consent to share information will be sought in most cases, as well as the kinds of circumstances when their consent may not be sought, or their refusal to give consent may be overridden. We do this as follows:

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden.
- Parents are asked to give written consent to share information
- We ask parents to give written consent to share about any additional needs their child may have, or to pass on child development summaries, to the next provider/school.
- We consider the following questions when we need to share:
  - Is there legitimate purpose to sharing the information?

- Does the information enable the person to be identified?
- Is the information confidential?
- If the information is confidential, does the nursery have consent to share?
- Is there a statutory duty or court order to share information?
- If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest to share information?
- If the decision is to share, is right information being shared in the right way?
- Has the decision been properly recorded?
- Consent must be freely given and informed – that is that the person giving the consent needs to understand why information will be shared, what will be shared, who will see the information and the purpose for sharing that information as detailed in the Data Protection policy.

### **Separated Parents**

- Consent to share need only be sought from one parent. Where parents are separated, this would normally be the parent with whom the child resides. Careful consideration will be given to this if there is a dispute between parents.
- In cases where the child is 'looked after' we may need to contact the Local Authority before information is shared.

a place where children grow